

Appl. No. : **10/607,946**
Filed : **June 27, 2003**

AMENDMENTS TO THE DRAWINGS

The attached sheet which includes Fig. 35 replaces the original sheet including Fig. 35. Reference signs "12," "24," "34," and "36" have been added.

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REMARKS

Before entry of this Response, Claims 38-53 were pending. By way of this amendment, Claims 42-52 and 54-56 remain pending. Claims 38-41 and 53 have been cancelled without prejudice or disclaimer and Applicant expressly reserves the right to pursue the same or similar claims in future prosecution. Claims 42-45 and 48-52 have been amended and new Claims 54-56 have been added.

Amendments to the Specification

Applicant notes that the priority claim for this application was previously amended by way of a Preliminary Amendment filed September 5, 2003. In the meantime, one of the applications in the priority chain has since been granted and Applicant has amended the priority claim accordingly. No new matter is introduced by way of this amendment to the specification.

As the Examiner suggested, Applicant has amended the Abstract to remove the word "comprising." No new matter is introduced by way of this amendment to the specification.

The Examiner has also requested a substitute specification without the claims due to missing letters throughout the specification. Applicant is unclear about what the Examiner is referring to and respectfully requests clarification.

Amendments to the Drawings

As the Examiner requested, the reference signs "12," "24," "34," and "36" have been added to Fig. 35 in the Replacement Sheet included in the Appendix. Similar reference signs were included in originally filed Fig. 5. Applicant notes that the valve components illustrated in Fig. 35 are provided as examples. As discussed in description of the embodiment pictured in Fig. 35 in the specification, "the seal 36 and housing 12 of the medical valve 10 or 11 of other preferred embodiments can be placed over the spike element 24 and attached by such means as were described earlier in the discussion of those embodiments." Page 57, lines 11-14 of the originally filed specification. No new matter is introduced by way of this amendment to the drawings.

Claim Rejections under 35 U.S.C. § 102(e)

The Examiner rejected Claims 38-53 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,549,577 to Siegel ("Siegel reference"). The Examiner also rejected Claims 38-

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41 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,306,243 to Bonaldo ("Bonaldo reference"). Applicant respectfully disagrees with these rejections.

As shown in Figs. 3-5 of Siegel and Figs. 4 and 8 of Bonaldo, the cited references do not disclose or suggest the claimed inventions including the claimed flexible element.

New Claims

New Claims 54-56 have been added. Claims 54-56 depend from Claim 42 and are patentable for at least the reasons presented above with respect to Claim 42.

Future Information Disclosure Statement

Applicant is preparing to file a petition relating to Information Disclosure Statements providing additional materials including materials from litigation involving patents with a common priority claim. Such Information Disclosure Statements should be considered in connection with this response.

Conclusion

In view of the foregoing remarks, Applicant submits that this application as amended is in condition for allowance. If any issues require further clarification, the Examiner is respectfully requested to call Applicant's attorney of record at the number indicated below in order to resolve such issues promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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